



March 2, 2023

The US Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington DC 20510

To the US Senate Judiciary Committee,

As we write to you today, it strikes us that this is a somber anniversary. Five years ago we were 11 women with one thing in common: our child sexual abuse was recorded and distributed both online and offline. In February 2018 we were brought together by the Canadian Centre for Child Protection and the National Center for Missing & Exploited Children (NCMEC) to see what kind of connections could be made between a diverse group of survivors. We emerged from that initial meeting with a purpose – to put an end to children being abused and exploited on the internet as we have been. If we can have one good thing come out of the horror we have lived, it will be that our collective experience will be shared to spare current and future generations of children from the same fate.

Throughout the past five years, we have written dozens of statements to governments around the world. We have shared our experiences in person as well as remotely. We have pleaded for help through the tears and paralyzing fear. Any time we have been given the opportunity to explain the importance of ending online abuse and exploitation, we always end with the same ask: that government step in and protect its most vulnerable citizens through meaningful legislation.

We have had five years of coming away from meetings, roundtables, summits and hearings where it is determined that tech needs to be held accountable for their role in the global epidemic of online harms against children, with nothing done to actually hold them accountable. We have heard legislators tell us in person that tech will be held accountable for their role in the online abuse and exploitation of children. These words must not be empty and they must not be the standard.

In March 2020 we attended a roundtable at the White House which concluded with the tech industry being given the option of engaging in a set of Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse, created by the 5 Eyes with the goal of ensuring tech prioritizes child safety throughout their platforms, as well as to protect survivors. This was an opportunity presented to tech to proactively participate in making the online world safer for children. However, three years later, it is quite clear that tech will not act voluntarily on these matters. We cannot wait for tech to do what we know is the right thing, as they have continually proven that what is right for children is not their priority.

Through these years of legislative inaction, it is not surprising that child predators have been quite active. Every single day NCMEC receives an average of more than 80,000 reports to their CyberTipline regarding horrific child sexual abuse material shared and distributed on the open web. While we have been attending meetings for the past five years, 118,657,578<sup>1</sup> CyberTipline reports have been received by NCMEC. These 118.6+ million reports reflect actual babies, toddlers and children who have been sexually abused in horrific, violent ways that we do not personally have the luxury of being unfamiliar with. Their abuse was livestreamed or shared online via photos and/or videos and, with the current lack of needed legislation in place, the victims who survived their abuse will be haunted by the online documentation of their most horrifying experiences for the rest of their lives.

We renew our plea for comprehensive legislation that addresses what we believe to be three important barriers to protecting our children online:

1. Federal requirements that detail best practices for ESPs re: taking proactive action on the detection and removal of child sexual abuse material;
2. Removing flexibility for ESPs to determine what actually constitutes child sexual abuse material;
3. Allowance for legal consequences for ESPs who continue to choose profit over children by limiting liability protections currently afforded by Section 230 of the Communications Decency Act.

The Phoenix 11 continues to remain united in our commitment to combat the global epidemic of online harms against children in whatever ways we are able. Today we ask you to join us in this fight by taking measurable action on the key items above to combat this issue in the ways you are able. We simply have no more time to waste discussing the reasons why this should happen when we already know the answers. Our children need us to act and they need us to act today - we must pass the EARN IT ACT swiftly.

Signed,



**Phoenix 11**

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<sup>1</sup> Protecting our children online, U.S. Senate Committee on the Judiciary, 118th Cong. (2023) (testimony of Michelle DeLaune). <https://www.judiciary.senate.gov/committee-activity/hearings/protecting-our-children-online>